

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 ADRIAN SCHOOLCRAFT,

5 Plaintiff,

Case No:

6 - against -

10 CV 06005

7  
8 THE CITY OF NEW YORK, ET AL.,

9 Defendants.

10 -----X

11 100 Church Street

New York, New York

12  
13 January 30, 2014

14 10:22 a.m.

15  
16  
17 DEPOSITION OF CATHERINE LAMSTEIN-REISS, M.D.,  
18 pursuant to Subpoena, taken at the above  
19 place, date and time, before DENISE ZIVKU, a  
20 Notary Public within and for the State of  
21 New York.  
22  
23  
24  
25

1 C. LAMSTEIN-REISS, M.D.

2 you were the psychologist that had seen  
3 Schoolcraft when he called?

4 MS. PUBLICKER METTHAM:

5 Objection.

6 A. I don't believe he did. What  
7 happens is they call the sick desk  
8 supervisor, who looks up and sees who is on  
9 duty and they call whoever is on duty.

10 Q. So on October 31, 2009, you  
11 happened to be on pager duty?

12 A. Correct.

13 Q. So Captain Lauterborn called the  
14 sick desk and he was looking for somebody  
15 from the psychological evaluation services?

16 MS. PUBLICKER METTHAM:

17 Objection.

18 A. Psychological evaluation  
19 section. Although, the psychological  
20 services section, which does pre-employment  
21 screening, they also do pager duty. He was  
22 looking for a department psychologist to  
23 give him a call to consult about the  
24 situation.

25 Q. Did you tell Captain Lauterborn

1 C. LAMSTEIN-REISS, M.D.

2 you had evaluated and met with Schoolcraft?

3 A. Yes.

4 Q. And told him that during the  
5 conversation that you had with him on  
6 October 31st?

7 A. Yes.

8 Q. What else did you tell Captain  
9 Lauterborn?

10 A. He was asking me if there was  
11 any reason to be concerned about the fact  
12 that he went AWOL and that he seemed to be  
13 upset and said he had stomach pains and  
14 should they be concerned, do they need to go  
15 look for him, make sure he's okay.  
16 Typically, in that situation they do. He  
17 said he wasn't sure they wanted to suspend  
18 him, because they thought this was more of a  
19 psychological problem as opposed to a  
20 disciplinary one and so he wanted to consult  
21 with me.

22 I told him that as of the last  
23 time I saw him, which was a few days  
24 earlier, I had no reason to think he was a  
25 danger to himself or others. Never

1 C. LAMSTEIN-REISS, M.D.

2 expressed thoughts of suicide. It didn't  
3 seem to be anything that serious that would  
4 lead me to be concerned. However, he had  
5 also never acted like that before. He never  
6 went AWOL, leaving even though he was told  
7 to stay and was now saying he had stomach  
8 pains, while being visibly upset. So I did  
9 not know if that meant something new  
10 happened that led him to be so upset that he  
11 was acting in a different manner going AWOL  
12 and that kind of stuff and led to a  
13 reoccurrence of stomach pains badly enough  
14 that he did that or maybe the stomach pains  
15 never went away to begin with and I wasn't  
16 sure and that my evaluation is -- even  
17 though, I was not saying this person is  
18 suicidal, he's had these thoughts, you must  
19 -- it was nothing like that. I had no  
20 reason to think he was, except my evaluation  
21 was only as good as the last time I saw  
22 them.

23 So if something happened since  
24 then or they're acting different since then,  
25 that may be different. And so I thought he

1 C. LAMSTEIN-REISS, M.D.

2 absolutely did need to find him and make  
3 sure that he was okay.

4 Q. Was your sharing of information  
5 about Schoolcraft with Lauterborn a  
6 violation of Schoolcraft's privacy?

7 MS. PUBLICKER METTHAM:

8 Objection.

9 A. No. This is -- they're not  
10 treatment records. Whenever they come to  
11 our office before they -- before I allow  
12 them to open their mouth on all, I make sure  
13 that they know that the interview is on the  
14 record only within the department and only  
15 on a need to know basis, so within that it  
16 is on the record.

17 So in this case, someone is AWOL  
18 and they're upset and they leave and they  
19 say their stomach hurts and they're acting  
20 in that manner, I deemed there was a need to  
21 know, for him to know some basic information  
22 about why he was on restricted duty. Not  
23 information like, you know, whether or not  
24 his father used -- had any kind of drug  
25 problem, whether or not he's had sex in the

1 C. LAMSTEIN-REISS, M.D.

2 last few years. I mean, like that's not his  
3 business. He doesn't need to know that.  
4 That does not relate to the situation at  
5 hand.

6 What did relate was issues of do  
7 we need to be concerned about this guy and  
8 so I released information that I deemed  
9 pertinent to that, while keeping everything  
10 else as confidential. Like I said, even  
11 though it's on the record within the  
12 department, it's an NYPD evaluation. It's  
13 not private treatment records. Not  
14 everything needs to be known -- to be given  
15 out rather.

16 Q. The entry here says that Captain  
17 Lauterborn kept you informed throughout the  
18 night; is that right, he did that?

19 A. Correct.

20 Q. Did he tell you that he spoke  
21 with Schoolcraft's father?

22 A. I would have to reference my  
23 notes, but I believe he did. Yes, he  
24 definitely did.

25 Q. Did he tell you that

1 C. LAMSTEIN-REISS, M.D.

2 Schoolcraft's father told Lauterborn that he  
3 knew Schoolcraft was fine?

4 A. I believe the words were that  
5 there was nothing to worry about or  
6 something, yeah, to that effect.

7 Q. Lauterborn did report to you  
8 that he had a conversation with the father  
9 and the father was not concerned about the  
10 son?

11 MS. PUBLICKER METTHAM:

12 Objection.

13 A. The father was not concerned,  
14 but I don't know that he had spoken with his  
15 son that day or that he even knew everything  
16 going on. It seemed the father didn't know  
17 why he was on restricted duty. And it  
18 seemed to me that maybe Officer Schoolcraft,  
19 at the time, it seemed to me that he maybe  
20 just didn't want his father to know why he  
21 was on restricted duty. That was my theory  
22 at the time. So the fact that the father  
23 didn't know that, I didn't know if the  
24 father knew he went to a hospital with heart  
25 symptoms that were stress related. I didn't



1 C. LAMSTEIN-REISS, M.D.

2 know if the father knew he'd been prescribed  
3 Seroquel. I didn't know. It seemed like he  
4 was not telling his father this stuff.

5 Q. What I want to know is what did  
6 Captain Lauterborn tell you about his  
7 conversation with the father?

8 A. My recollection -- I would have  
9 to review my notes, but my recollection is  
10 that the father said he was not concerned at  
11 all, but he was explaining to the father the  
12 reasons they were concerned and the reason  
13 they were looking for him.

14 Q. Okay. If you want to look at  
15 your notes, I would appreciate that.

16 A. It's from the notes of October  
17 31, 2009 the time of that conversation was  
18 20:15 hours noted in the left-hand column of  
19 the page, 20:15.

20 MS. PUBLICKER METTHAM: That is  
21 on D283.

22 Q. Do you have the first page of  
23 your 10/31/09 notes in front of you?

24 A. Which page is that.

25 MS. PUBLICKER METTHAM: I



1 C. LAMSTEIN-REISS, M.D.

2 believe you're 2899 and 282, Mr. Smith?

3 MR. SMITH: I'm actually  
4 referring to 2901, with the ledger and  
5 pager.

6 MS. PUBLICKER METTHAM: It is  
7 D282, it is but 2901.

8 Q. So is there a rather long entry  
9 for 10/31 in your file, Doctor?

10 A. I don't know what you consider  
11 rather long, but it's --

12 Q. Four pages?

13 A. One, two, three, four and a  
14 third, yes.

15 Q. All right, can you just read  
16 that into the record.

17 A. Sure. Pager duties regarding  
18 P.O. Adrian Schoolcraft, 10/31/09, on left  
19 of the page I noted that I was on at 17:40  
20 hours. Page number 455 refers to the sick  
21 desk log of my being put on duty. I noted  
22 below that that I was off duty at 21:40  
23 hours. Back to the main text in the body.  
24 10/31/09. Telephone contact with sick desk  
25 Sergeant Kloos.

1 C. LAMSTEIN-REISS, M.D.

2 MS. PUBLICKER METTHAM:

3 K-l-o-o-s.

4 A. Yes. I believe that's the  
5 spelling. It's possible I'm wrong about the  
6 spelling. MOS was at work today. He  
7 slammed sick report on the sergeant's desk  
8 and said he was going out sick. Sergeant  
9 told him to stick around. He refused and  
10 left. Didn't follow procedure. Typically,  
11 they called sick desk and get authorization  
12 and wait for command to arrange coverage.  
13 MOS was working on the telephone  
14 switchboard. MOS did not go straight home.  
15 Cops are at his home waiting for his  
16 arrival. They called MOS on his cell phone.  
17 They think he picked up and then hung up.  
18 Since then no answer. They are thinking of  
19 suspending him, but they suspect it is more  
20 of psych problem. XO of MOS's command, the  
21 81 Precinct, is Captain Lauterborn and  
22 requests response from PES and I signed my  
23 name.

24 Q. The is information that you  
25 received from Sergeant Kloos from the sick

1 C. LAMSTEIN-REISS, M.D.

2 desk?

3 A. Correct.

4 Q. All right, please continue.

5 A. It will be more clear as I'm  
6 reading through the notes, but it's possible  
7 that the part about possibly not suspending  
8 him because they thought it might be more of  
9 a psych problem, that may have come  
10 secondhand through Sergeant Kloos. If it  
11 came directly, it would be the rest the  
12 notes.

13 Telephone contact with Captain  
14 Lauterborn. MOS doing a 7 to 3 day tour  
15 today at TS all day, meaning telephone  
16 switchboard all day. All was fine. He  
17 typically keeps to self and doesn't converse  
18 much with other officer and did same today.  
19 Nothing seemed out of ordinary. 2:00 p.m.,  
20 he went down to locker room, changed and  
21 then put a sick report on sergeant's desk  
22 and said going sick. He wrote that he had  
23 stomach pain. Sergeant tried to stop him,  
24 but he left anyway. Underlying issues. MOS  
25 has made allegations against others.

1 C. LAMSTEIN-REISS, M.D.

2 Department's investigation of these  
3 allegations picked up this week and it  
4 snowballed from there. This week about four  
5 P.O.'s and two civilian people were called  
6 down for questioning. MOS goes up to them  
7 and asked about it. Notifications are in  
8 telephone message log, so he knows who is  
9 going. When they return, he tries to  
10 intercept them and get information from them  
11 about what he was asked -- about -- it  
12 should have been what they were asked. Or  
13 that thought the person was a he. Anyway,  
14 that's what it says what he was asked.  
15 Today was first tour back after RDOs. Not  
16 sure what happened today that triggered him  
17 to leave like that.

18 Delegates, peers, sergeants and  
19 Captain Lauterborn all left him messages and  
20 asked him to go back to command. A  
21 lieutenant is at him home. His car is  
22 there. Landlord said MOS may have been  
23 there earlier. Can usually hear MOS's  
24 footsteps when home. MOS not home.

25 Next entry, I left a message on

1 C. LAMSTEIN-REISS, M.D.

2 MOS's cell phone. I gave my cell number and  
3 Captain Lauterborn's cell phone. I told him  
4 that the Captain said he could just return  
5 to his home if didn't want to go to the  
6 command. I urged him to go home or call his  
7 captain, so this could be resolved quickly  
8 and easily without need for a city-wide  
9 mobilization to search for him or  
10 disciplinary action, like suspension. Much  
11 easier to just resolve it quickly and easily  
12 now. I explained that everyone is just  
13 concerned for his safety and they want to  
14 make sure everyone is okay.

15 Next entry, telephone contact  
16 with Captain Lauterborn. I informed captain  
17 that I left message on MOS's cell phone as  
18 described above. I suggested that captain  
19 call MOS's father because that's the person  
20 he is closest to and the person who is most  
21 likely to know his whereabouts. Captain  
22 will call undersigned when locates or hears  
23 from MOS, signed my name.

24 Next entry at 20:15 hours.  
25 Telephone contact with Captain Lauterborn.

1 C. LAMSTEIN-REISS, M.D.

2 Still no word from MOS. Captain called MOS's  
3 father, who also hadn't heard from him.  
4 Father, quote, had some issues, end quote,  
5 over the phone -- over phone, but eventually  
6 understood captain's point of view and  
7 confirmed. Hoping father will call MOS and  
8 encourage him to go home. Captain will go  
9 to MOS's home. It's possible he's home, but  
10 not answering phone. I asked if the  
11 landlord has a spare key. He said yes and  
12 captain has it, but legal issues with using.  
13 Have to have cause. Hoping to avoid going  
14 that route.

15 Q. What were those legal issues?

16 A. I didn't ask. I don't know.

17 MS. PUBLICKER METTHAM:

18 Objection.

19 Q. All right, go ahead?

20 A. And I signed my name. 20:40  
21 hours the next entry -- I'm sorry 21:40  
22 hours is the next entry. Telephone contact  
23 with Sergeant Kloos. Sick desk off duty  
24 since not known when MOS might be located  
25 and I signed my name.